

Copies Mailed/Faxed 2/17/23
Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARK ORLANDO,

Plaintiff,

v.

DR. GAETAN ZAMILUS,

Defendant.
-----X

ORDER

22 CV 6161 (VB)

On February 16, 2023, defendant moved to dismiss the complaint. (Doc. #18). Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), as a matter of course, plaintiff may file an amended complaint in light of defendant's motion to dismiss. Accordingly, it is hereby ORDERED:

1. By **March 16, 2023**, plaintiff must notify the Court by letter whether he (i) intends to file an amended complaint in response to the motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss.
2. If plaintiff decides to file an amended complaint, he must do so by **April 18, 2023**. Within 21 days of such amendment, defendant may either: (i) file an answer to the amended complaint; (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that he is relying on the initially filed motion to dismiss.
3. If plaintiff decides not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendant's motion.
4. If plaintiff elects not to file an amended complaint, his opposition to the motion is due **March 30, 2023**. Defendant's reply would be due **April 13, 2023**.
5. Now that defendant has appeared in this action and moved to dismiss the complaint, plaintiff should not seek a certificate of default or move for default judgment against defendant.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: February 17, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge